IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3622 OF 2004

Awadhoot Shashtri .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.Balkrishna Joshi for the applicant.
Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 1ST SEPTEMBER, 2004

P.C.:

. Heard Mr.Joshi, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. The applicant, who is 76 years old, apprehends his arrest in C.R.No.184 of 2004 registered at Dadar police station under section 153A read with 34 of Indian Penal Code. The applicant is alleged to have published and printed a booklet titled "HINDUNO VACHA ANI THANDA BASA", which according to the prosecution amounts to promoting enemity between different groups on the grounds of religion and doing act prejudicial to maintenance of harmony. Mr.Konde-Deshmukh, learned

A.P.P. submits that the police need custody of the applicant to recover handwritten manuscript of the book. On the other hand Mr.Joshi, learned counsel for the applicant, on instructions, states that the applicant admits that he has written and published this book and, therefore, the question of recovering handwritten manuscript does not arise. Mr.Joshi, however, denies that the contents of the book amount to promoting enemity between different groups on the ground of religion. I perused the order by which the application was rejected by the Sessions Court and other material placed for my consideration. Keeping in view the overall facts and circumstances of the case and considering the nature of allegations against the applicant I am satisfied that the custodial interrogation of the applicant is not necessary.

. The applicant is directed to be enlarged on bail, in the event of his arrest, in C.R.No.184 of 2004 registered at Dadar police station, Mumbai on his furnishing a personal bond of Rs.5,000/- with one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned police station, subject to condition that he shall report the said police station for three

days between 10 am to 11 am commencing from 6.9.2004 and thereafter as and when called by the police for interrogation.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)